

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

vs.

Case No. 2:14-cv-1136
Judge Watson
Magistrate Judge King

JOHN DOE, subscriber assigned
IP address 71.72.116.231,

Defendant.

REPORT AND RECOMMENDATION

On January 6, 2015, plaintiff was granted a second extension of time, until February 4, 2015, in which to effect service of process on the defendant. Order, ECF 12. Plaintiff was also advised that, if service of process was not demonstrated by that date, the action would be subject to dismissal. *Id.* The docket does not reflect service of process on defendant.

It is therefore **RECOMMENDED** that this action be dismissed, without prejudice, for failure to effect service of process. See Fed. R. Civ. P. 4(m).

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy

thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal") (citation omitted)).

February 6, 2014

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge